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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,207	01/31/2002	William Pat Price	K35A0877	5665

35219 7590 08/13/2003

WESTERN DIGITAL TECHNOLOGIES, INC.  
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EXAMINER

BORISSOV, IGOR N

ART UNIT PAPER NUMBER

3629

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/066,207

Applicant(s)

PRICE ET AL.

Examiner

Igor Borissov

Art Unit

3629

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3-4 and 6-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plotnick et al. (US 2002/0144262) in view of Bryant et al. (US 5,652,615).**

Plotnick et al. teach a system and method for alternative advertising in prerecorded media, comprising:

As per claims 1, 8, 13-16, 18-21, 25-26 and 30,

- a. receiving a broadcast stream on a selected channel, the broadcast stream comprising a plurality of programming media segments and at least one rich media segment associated with the alternative presentation data being embedded within the plurality of programming media segments ([0060]-[0063]);
- b. commencing presenting the at least one rich media segment on the selected channel ([0060]-[0063]);
- c. saving the alternative presentation data if presenting the at least one rich media segment on the selected channel is interrupted prior to completely presenting the at least one rich media segment on the selected channel ([0060]-[0063]);

c. displaying the alternative presentation data associated with the at least one rich media segment if presenting the at least one rich media segment on the selected channel is interrupted prior to completely presenting the at least one rich media segment on the selected channel ([0060]-[0063]).

Plotnick et al. do not specifically teach that the alternative presentation data is presented for a time period equivalent to an initial length of time for a presentation of the at least one rich media segment less a length of time that the at least one rich media segment has previously been presented.

Bryant et al. teach a system and method for broadcast of composite programs including secondary program content such as advertisements; said system and method comprising a composite broadcast signal; said composite broadcast signal including a program base segmen (813) (Fig. 8) and alternating fill segment (812); said alternating fill segment (812) comprising concurrently generated advertisement segments (C and D); wherein said concurrently generated advertisement segments (C and D) are synchronized to a common time baze (Abstract; Figs. 3, 4 and 8; column 4, lines 40-56; column 8, lines 35-48).

It would have been obvious to one having ordinary skill in art at the time the invention was made to modify Plotnick et al. to include that the alternative presentation data is presented for a time period equivalent to an initial length of time for a presentation of the at least one rich media segment less a length of time that the at least one rich media segment has previously been presented, because it would allow to simplify the interactive presentation of different advertisement segments, and use less

complex and expensive equipment at the transmitter and receiver sites, as specifically taught by Bryant et al.

As per claims 3-4, Plotnick et al. teach said system and method wherein presenting the alternative presentation data occurs simultaneously with presenting of at least one of the programming media segments of the broadcast stream ([0059]-[0060]).

As per claims 6-7, 9-10 and 11-12, Plotnick et al. teach said system and method, comprising:

- storing tracking information for the presenting of the alternative presentation data ([0059]-[0060]; [0065]; [0088]; [0127]; [0134]; [0143]-[0153]; [0166]-[0169]);
- transmitting the tracking information for the presenting of the alternative presentation data for storage in a database ([0059]-[0060]; [0065]; [0088]; [0127]; [0134]; [0143]-[0153]; [0166]-[0169]);
- storing tracking information for the presenting of the at least one rich media segment ([0059]-[0060]; [0065]; [0088]; [0127]; [0134]; [0143]-[0153]; [0166]-[0169]);
- transmitting the tracking information for the presenting of the at least one rich media segment for storage in a database ([0059]-[0060]; [0065]; [0088]; [0127]; [0134]; [0143]-[0153]; [0166]-[0169]);
- storing tracking information for the interruption of presenting of the at least one rich media segment ([0059]-[0060]; [0065]; [0088]; [0127]; [0134]; [0143]-[0153]; [0166]-[0169]);

- transmitting the tracking information for the interruption of presenting of the at least one rich media segment for storage in a database ([0059]-[0060]; [0065]; [0088]; [0127]; [0134]; [0143]-[0153]; [0166]-[0169]).

As per claims 17, 22 and 27, Plotnick et al. teach said system and method wherein the alternative presentation data is stored on a hard disk drive ([0063]; [0102]-[0125].

As per claims 23-24 and 28-29, Plotnick et al. teach said system and method wherein a channel change generates the signal indicating the interruption of the rich media segment ([0064]-[0065]; [0088]).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

Application/Control Number: 10/066,207

Page 6

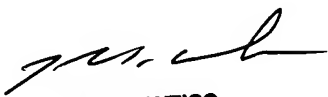
Art Unit: 3629

or faxed to:

**(703) 305-7687** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

*JB*

  
**JOHN G. WEISS**  
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